

Bernstein Redo & Savitsky P.C.  
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Donald Bernstein

*Special Liquor License Counsel for Stephen S. Gray,  
Not Individually but Solely in His Capacity  
as Chapter 11 Trustee*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
In re: : Chapter 11  
:  
96 WYTHE ACQUISITION LLC, : Case No. 21-22108 (SHL)  
:  
Debtor. :  
:  
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**FIRST SUPPLEMENTAL DECLARATION OF  
DONALD BERNSTEIN PURSUANT TO BANKRUPTCY RULE 2014**

STATE OF NEW YORK )  
 ):  
COUNTY OF NEW YORK )

Donald M. Bernstein, declares the following under penalty of perjury:

1. I am the managing member at Bernstein Redo & Savitsky P.C. ("Bernstein") located at 1177 Avenue of the Americas, 5th Floor, New York, NY 10036. I am a member in good standing of the Bar of the Southern District of New York.

2. On October 31, 2022, Stephen S. Gray, not individually but solely in his capacity as the Chapter 11 Trustee (the "Trustee") of the estate of 96 Wythe Acquisition LLC (the "Debtor"), through his counsel, Togut, Segal & Segal LLP, filed his *Application for an Order Authorizing the Employment and Retention Bernstein Redo & Savitsky P.C. as Special Liquor License Counsel for the Chapter 11 Trustee* (the "Application") [Dkt. No. 759]. I filed a declaration (the "First Declaration") in support of the Application.

3. On December 2, 2022, the Court entered an Order authorizing the Trustee to retain the Bernstein as his special liquor license counsel [Dkt. No. 818].

4. This declaration supplements my First Declaration.

**ADDITIONAL DISCLOSURES REGARDING  
RELATIONSHIPS WITH PARTIES-IN-INTEREST**

5. Bernstein was recently contacted by Ohana Hotels and Resorts (“Ohana”), which is contemplating submission of a bid for the Williamsburg Hotel (the “Hotel”) owned by the Debtor.

6. Ohana has requested Bernstein’s assistance for liquor licensing matters, including the review of the licensing provisions in the form of purchase and sale agreement (the “PSA”) for the Hotel that was filed on the docket that is maintained for the above-captioned case. Bernstein is also providing services to Ohana in matters unrelated to the Debtor’s case.

7. The Trustee advised the United States Trustee of the foregoing, and I understand that the United States Trustee has no objection to Bernstein providing services to Ohana as set forth in paragraph “6” herein.

8. I represent that Bernstein will not represent Ohana or its estate in any matter that is adverse to the Trustee or the Debtor’s estate.

/s/ Donald M. Bernstein  
Donald M. Bernstein

Executed this 12th day of December, 2022  
At New York, New York